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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,205	03/13/2000	Gilbert Allan Segal	POPT-0002	7194

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/52425

Applicant(s)

Segal

Examiner

Akou, G

Group Art Unit

3628

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/26/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 21-89 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 21-89 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This communication is issued in response to applicant's Amendment C(Paper #7) filed 9/26/02.
2. Claims 21,26-28,44-45,57-58,63,65,81-87 were amended. No claims were deleted. No new claims were added.
3. Claims 21-89, as amended, are now pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21,44-45,57-58,65,81 are rejected under 35 USC 103(a) as unpatentable over O'Shaughnessy(US Pat. 6,317,726) in view of Maggioncalda(US Pat. No: 5,918,217) and further in view of Melnikoff(US Pat. No: 5,784,696).
- 6.(AMENDED) As per amended independent claims 21,44-45,57-58,65,81 O'Shaughnessy teaches a method of identifying financial instruments meeting predetermined criteria(Abstract)(entire document) consisting of retrieving data from at least one data source(Fig 1/1-1)(Fig 2/2-1)(Fig 3/3-1)(Fig 4/4-1)(Fig 5/5-1)(Fig 12) and processing the financial instrument

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data to identify values for a set of searchable parameters corresponding to the investment criteria for particular financial instruments included in the financial instrument data(Fig 1/1-2/1-4/1-6/1-10/1-8/1-12)(Fig 2/2-2/2-4/2-6/2-12/2-14)(Figs 3-5). O'Shaughnessy does not specifically teach accepting user defined search criteria for the searchable parameters. Maggioncalda teaches this(Abstract)(Fig 9)(Fig 13/1310)(col 2 line 32-54)(col 3 lines 2-42)(col 4 lines 15-22)(Fig 3)(Fig 7 lines 8-18)(col 8 lines 6-14)(col 8 lines 27-34)(col 8 line 48-col 9 line 40)(col 10 lines 1-63)(col 13 line 43-col 14 line 25)(col 16 lines 1-67)(col 17 lines 3-53). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Maggioncalda to teach the above. The motivation to combine is to teach an improved financial analysis system incorporating focussing individuals on the choices they must make to achieve investment objectives and an assessment of achieving these goals in the future as enunciated by Maggioncalda(col 2 lines 5-11).O'Shaughnessy does not specifically teach searching the values identified from the set of searchable parameters for values matchingthe user defined criteria. Melnikoff teaches this(Abstract)(col 5 line 63-col 6 line 3).O'Shaughnessy does not specifically teach identifying a set of financial instruments corresponding to values for the searchable parameters matching the user-defined search criteria. Melnikoff teaches this(col 5 line 31-col 6 line 40). It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Maggioncalda and further in view of Melnikoff to teach the above. The motivation to combine Melnikoff in view of O'Shaughnessy and in view of Maggioncalda is to teach a method for selection of groupings of securities based on risk

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definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).

7. Amended claims 22-44,46-56,59-64,66-80,82-89 are rejected under 35 USC 103(a) as unpatentable over O'Shaughnessy(US Pat. 6,317,726) in view of Maggioncalda(US Pat. No: 5,918,217) in view of Melnikoff(US Pat. No: 5,784,696) and further in view of Lange(US Pat. No: 6,321,212).

8.(AMENDED) As per amended dependent claims, 22-44,46-56,59-64,66-80,82-89 O'Shaughnessy teaches the trading of stocks(Abstract)(Figs 1-12) as well as bonds(Fig 17/17-2)(col 32 lines 18-30). O'Shaughnessy does not specifically teach the trading of derivatives and commodities. Lange teaches the trading of commodities(Abstract) and derivatives(Abstract) including options(col 7 lines 32-55) utilizing the Internet(Fig 1/140) which incorporates bid-offer spread(col 3 lines 5-10). O'Shaughnessy does teach stock volatility(col 11 lines 15-27)(col 12 lines 58-67) and Maggioncalda teaches trading volume(Fig 13).It would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of Maggioncalda and further in view of Melnikoff to teach the above. The motivation to combine Melnikoff in view of O'Shaughnessy and in view of Maggioncalda is to teach a method for selection of groupings of securities based on risk definition and measurement as enunciated by Melnikoff(col 5 lines 25-37)(col 5 line 63-col 6 line 3).Finally, it would have been obvious to one skilled in the art at the time of the invention to combine O'Shaughnessy in view of

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Maggioncalda in view of Melnikoff and further in view of Lange to teach the above. The motivation to combine is to teach a computer-implemented system for conducting demand-based trading as enunciated by Lange(col 10 lines 43-44).

Response to Arguments

9. Applicant's arguments with respect to claims 21-89 have been considered but are moot in view of the new ground(s) of rejection. However, the O'Shaughnessy reference is indeed prior art because it is a CIP of an application filed Dec 30,1997 which predates applicant's disclosure.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA


November 2, 2002